

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA

FILED
for Roande
APR - 1 2008

JOHN F. CORCORAN, CLERK
BY: *U. Hays*
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United States of America)

v.)

Marlow Andre Farmer)

Case No: 7:97CR40008-004

USM No: 07158-084

Date of Previous Judgment: October 23, 1997)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

Defendant's base offense level remains 38 under the amended guideline because the offense involved 4.5 kilogram or more of crack. Therefore, the sentencing range is not reduced.

Except as provided above, all provisions of the judgment dated 10/23/1997 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4-1-08

Jackson Kiser
Judge's signature

Effective Date: _____
(if different from order date)

Jackson Kiser, Senior United States District Judge
Printed name and title